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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,720	09/30/2003	Teck Hu	18	3991

7590 08/11/2006

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER	
PHUONG, DAI	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/674,720	HU, TECK	
	Examiner	Art Unit	
	Dai A. Phuong	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/17/2006 has been entered.

Response to Amendment

2. Applicant's arguments, filed 07/20/2006, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-25 are currently pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (Pub. No: 2003/0172165) in view of Yonemoto et al. (U.S. 6298239).

Regarding claim 1, Xu et al. disclose a method of wireless communication (fig. 1A, [0035] and [0036]) comprising:

receiving a multicast control message ([0041], [0045] and [0051]); and

selecting a multicast service in response to received multicast control message based on the determined supportive requirement ([0041], [0045] and [0051]. Specifically, Xu et al. disclose the method begins at step 202 with multicast server 190 announcing the available multicast sessions to user terminal 110 via multicast data network 105. At step 204, service discovery 111 discovers the multicast sessions that are available. Service discovery 111 provides an operator of user terminal 110 with a list of available multicast sessions and the relevant information for each session. ***The relevant information includes the starting time and cost associated with a multicast session***. The operator selects a multicast session from the list. In response to the operator's selection, user terminal 110 activates the selected multicast session). However, Xu et al. do not disclose determining at least one support requirement for accessing and receiving at least one multicast service, said at least one supportive requirement being indicated by the multicast control message.

In the same field of endeavor, Yonemoto et al. disclose determining at least one support requirement for accessing and receiving at least one multicast service, said at least one supportive requirement being indicated by the multicast control message (col. 12, lines 3-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user terminal of Xu et al. by specifically including disclose determining at least one support requirement for accessing and receiving at least one multicast service, said at least one supportive requirement being indicated by the multicast control message, as taught by Yonemoto et al., the motivation being in order to provide information to users at different time. Therefore the traffic jam/breakdown in the communication lines can be avoided.

Regarding claim 2, the combination of Xu et al. and Yonemoto et al. disclose all the limitation in claim 1. Further, Xu et al. disclose the method comprising: transmitting subscription information, the received multicast control message corresponding with the transmitted subscription information ([0045] and [0051]. Specifically, Xu et al. disclose that user terminal 110 sends and receives, stores charging data related to a subscription request, and forwards the charging data to billing server 170. Additionally, Xu et al. disclose multicast server 190 announcing the available multicast sessions to user terminal 110 via multicast data network 105. At step 204, service discovery 111 discovers the multicast sessions that are available. Service discovery 111 provides an operator of user terminal 110 with a list of available multicast sessions and **the relevant information for each session**).

Regarding claim 3, the combination of Xu et al. and Yonemoto et al. disclose all the limitation in claim 1. Further, Xu et al. disclose the method wherein the subscription information comprises at least one of multicast subscription type, payment authentication data, and billing information ([0041], [0045] and [0051]. Specifically, Xu et al. disclose service discovery 111 provides an operator of user terminal 110 with a list of available multicast sessions and the relevant information for each session. The relevant information includes the **starting time and cost associated with a multicast session.**

Regarding claim 4, the combination of Xu et al. and Yonemoto et al. disclose all the limitation in claim 1. Further, Xu et al. disclose the method wherein the step of receiving a multicast control message is **at least one** or performed during a multicast service setup prior to receiving multicast content ([0041], [0045] and [0051]).

Regarding claim 5, the combination of Xu et al. and Yonemoto et al. disclose all the limitation in claim 1. Further, Xu et al. disclose the method wherein the step of receiving a multicast control message is performed in real-time, while receiving multicast content ([0052]).

Regarding claim 14, the combination of Xu et al. and Yonemoto et al. disclose a method of wireless (fig. 1A, [0035]) communication comprising: receiving ***subscription information*** message ([0041], [0045] and [0051]); transmitting a multicast control message in response to the received subscription information message ([0041], [0045] and [0051]). However, Xu et al. do not disclose receiving information indicative of selection of a multicast service in response to the multicast control message, the selection being made based on at least one supportive requirement for accessing and receiving at least one multicast service, said at least one supportive requirement being indicated by the multicast control message.

In the same field of endeavor, Yonemoto et al. disclose receiving information indicative of selection of a multicast service in response to the multicast control message, the selection being made based on at least one supportive requirement for accessing and receiving at least one multicast service, said at least one supportive requirement being indicated by the multicast control message (col. 12, lines 3-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user terminal of Xu et al. by specifically including receiving information indicative of selection of a multicast service in response to the multicast control message, the selection being made based on at least one supportive requirement for accessing and receiving at least one multicast service, said at least one supportive requirement being indicated by the multicast control message, as taught by Yonemoto et al., the motivation being in

order to provide information to users at different time. Therefore the traffic jam/breakdown in the communication lines can be avoided.

Regarding claim 25, the combination of Xu et al. and Yonemoto et al. disclose all the limitations in claim 14. Further, Xu et al. disclose the method wherein receiving subscription information comprises receiving the subscription information from a mobile unit ([0045] and [0051]).

5. Claims 6-13 and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (Pub. No: 2003/0172165) in view of Yonemoto et al. (U.S. 6298239) and further in view of Trossen et al. (Pub. No: 2003/0157899).

Regarding claim 6, the combination of Xu et al. and Yonemoto et al. disclose all the limitation in claim 1. However, the combination of Xu et al. and Yonemoto et al. do not disclose the wherein each multicast service corresponds with at least one multicast rate.

In the same field of endeavor, Trossen et al. disclose the wherein each multicast service corresponds with at least one multicast rate ([0033] and [0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user terminal of the combination of Xu et al. and Yonemoto et al. by specifically including each multicast service corresponds with at least one multicast rate, as taught by Sarkkinen et al., the motivation being in order to match data rate over the wireless channel.

Regarding claim 7, the combination of Xu et al. and Yonemoto et al. and Trossen et al. disclose all the limitation in claim 6. Further, Trossen et al. disclose the method wherein the

multicast service is further selected in response to at least one subscriber resource ([0033] and [0035]).

Regarding claim 8, the combination of Xu et al. and Yonemoto et al. and Trossen et al. disclose all the limitation in claim 6. Further, Xu et al. disclose the method comprising: transmitting at least one feedback signal corresponding with the selected multicast service ([0051]).

Regarding claim 9, the combination of Xu et al. and Yonemoto et al. and Trossen et al. disclose all the limitation in claim 8. Further, Xu et al. disclose the method wherein the at least one feedback signal conveys an access time to the selected multicast service ([0058] and [0060]).

Regarding claim 10, the combination of Xu et al. and Yonemoto et al. and Trossen et al. disclose all the limitation in claim 6. Further, Trossen et al. disclose the method of claim 6, wherein the multicast control message comprises at least one of: number of available multicast services ([0027]. Specifically, Tresson et al. disclose in the example shown in FIG. 1, 171, 172, and 173 are layers that are an address can be associated with one or more layers. Conversely, a layer can be associated with one or more addresses.) Layer 173 corresponds to the audio component, layer 172 corresponds to the first video component, and layer 171 corresponds to the second video component. Wireless terminal 101 processes all layers (audio layer 173 and both video layers 171 and 172). Thus, wireless terminal 101 displays fast motion video and plays the music of the Rolling Stone's performance. Wireless terminals 161 and 162 process only layers 172 and 173, and thus display only the slow scan motion video and play the music); at least one resource threshold for each available multicast service ([0062]); at least one identifier for each

available multicast service ([0027]); at least one radio access capability requirement for each available multicast service ([0027]); and notification of at least one of termination and continuation of multicast service ([0069]).

Regarding claim 11, the combination of Xu et al. and Trossen et al. disclose all the limitation in claim 10. Further, Trossen et al. disclose the method wherein the number of available multicast services are prioritized ([0027] and [0038]).

Regarding claim 12, the combination of Xu et al. and Yonemoto et al. and Trossen et al. disclose all the limitation in claim 10. Further, Trossen et al. disclose the method wherein the at least one resource threshold corresponds with at least one of allocated power and block error rate ("BLER") ([0033] and [0035]).

Regarding claim 13, the combination of Xu et al. and Yonemoto et al. and Trossen et al. disclose all the limitation in claim 6. Further, Trossen et al. disclose the method wherein the at least one identifier corresponds with at least one multicast rate associated with each of the number of available multicast services ([0033] and [0035]).

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 13.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 23, the combination of Xu et al. and Yonemoto et al. and Trossen et al. disclose all the limitation in claim 21. Further, Xu et al. disclose the method wherein receiving said at least one feedback signal comprises receiving said at least one feedback signal in response to determining at least one supportive requirement based on the multicast control message ([0051]).

Regarding claim 24, the combination of Xu et al. and Yonemoto et al. and Trossen et al. disclose all the limitation in claim 23. Further, Xu et al. disclose the method wherein receiving said at least one feedback signal comprises receiving said at least one feedback signal in response to selecting the multicast service based on determining said at least one supportive requirement ([0051]).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 07-26-2006

ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER